

REMARKS

Claims 1-7 remain in the application. Claims 5 and 6 are indicated as containing allowable subject matter. Claims 1-4 and 7 stand rejected. Applicant respectfully requests reexamination.

Claims 1-3, 5 and 6 were rejected under the judicially created doctrine of obviousness-type double patenting on the grounds that the claims are unpatentable over claim 1 of *Marinoni* (US 6,745,538) which is owned by the assignee of the present application. Applicant respectfully requests that the requirement for a terminal disclaimer, in compliance with 37 C.F.R. § 1.321(6) be held in abeyance until an indication that claims 1-4 and 7 contain allowable subject matter.

Claims 1, 2 and 6 were objected to because punctuation was lacking at the end of these claims. Applicant has amended claims 1, 2 and 6 to correct this informality.

Applicant respectfully requests that this objection be withdrawn.

Claims 1-4 and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Ward* (US 5,048,243) in view of *Perry* (US 6,415,462). Applicant respectfully traverses.

The *Ward* patent is directed to an earthquake restraint mechanism to help prevent the collapse of tilt-up style exterior wall panels. The embodiment of the restraint mechanism focused on by the Office Action is shown in Figures 4 and 5. The restraint assembly 60 shown in Figure 4 and Figure 5 includes a tension/compression restrainer mounted to a pair of L-brackets 68 which are secured to wall panels 64 nut and bolt assemblies 70. A separate U-shaped inner alignment plate 72 and a flat outer alignment plate 74, on the opposite side of the wall panels 64 contain slots 76, 78 through which the nut and bolt assembly passes. The shank of the nut and bolt assembly also passes through holes in the inner legs 82 of the L-bracket 68.

The nut and bolt assemblies 70 have an enlarged head 83 and a slide nut or washer 84 which rests against the outer surface 86 of plate 74. Both wall panels 64 have holes 89 therethrough which are sized to provide a close fit with the shanks 80 of the nut and bolt assembly. The tension/compression restrainer 66 which includes an inner threaded rod 88 is secured to the outwardly extending legs 90 of L-bracket 68 by nut 92. This assembly resists separation of the L-bracket 68. (See column 4, lines 9-45).

The *Perry* patent is directed to an apparatus for supporting heavy glass panels in a bathing enclosure by the use of transparent plastic support brackets and fasteners that attach to the glass panels. These brackets and fasteners attach to the glass panels by passing through apertures in the glass panels.

The present invention, on the other hand, as set out in claim 1 is directed to a mounting structure which utilizes pairs of clamping plates to hold a glass panel therebetween, and means for connecting the clamping plate pairs together along one side, and the other, of the glass panels, which does not require apertures in the glass panels.

This concept is not shown, described or contemplated in either *Ward* or *Perry*.

A closer look at *Ward* and *Perry* in this light will lead one to conclude that neither *Ward* nor *Perry* shows, describes or contemplates:

“a connecting plate (6) located in the mutually aligned longitudinal slots of two of the abutting clamping plates and fixed to the abutting clamping plates (3, 4) by locking screws (7) which are threaded through the connecting plate (6) and abut against the bottom of the mutually aligned longitudinal slots (5) to push the connecting plate against the inner sides of the undercut shoulders (8) of the respective undercut slot (5) in the abutting clamping plates (3, 4), thereby connecting the abutting clamping plates together.”

The Office Action's analysis of Figures 4 and 5 of *Ward* is mistaken when it refers to *Ward*'s "clamping plates (at 72)" Plate 72 of *Ward* is a single piece structure. This single piece structure does not have "clamping plates being fixed to opposite side of one of said panels (Figure 4)." The Office Action states that *Ward* discloses "undercut longitudinal slots with a bottom (see attached Figure 4)" without specifically identifying the slots and states that *Ward* discloses "undercut shoulders (87)." The shoulders 87 of *Ward* are not the undercut shoulders 8 of the present invention as shown and described in the application.

The Office Action points to "a connecting plate 68 (located in the mutually aligned longitudinal slots of two of the clamping plates (Figure 4) and fixed to the clamping plates (72) by locking screws 70)." As mentioned earlier, *Ward*'s clamping plate 72 is only a single plate. Moreover, the connecting plate 68 of *Ward* is two separate L-brackets which are fastened to the U-shaped plate 72 by way of a nut and bolt assembly 70 through apertures in the wall panels 64.

The Office Action claims that *Ward* discloses that this arrangement clamps "a connecting plate against the inner sides of the undercut shoulders (attached Figure 5) of the respective undercut slot in the clamping plates (72)." The nut and bolt assemblies 70 of *Ward* exert a compressive force on the L-shaped bracket 68, the U-shaped bracket 72 and the plate 74 on the opposite side of wall panels 64. This compression force is exerted on the wall panels 64.

The present invention, on the other hand, as set forth in claim 1, causes the connecting plate 60 (which is located in the mutually aligned longitudinal slots of the abutting clamping plates) to be pushed against the inner sides of the undercut shoulders 8 of the respective undercut slots 5 to thereby connect the abutting clamping plates together. The direction of the force created by locking screws 7, which are threaded through the connecting plate 6 and abut against the bottom of the longitudinal slots 5, is away from the glass panels. Thus, the more the locking

screws are tightened, the more pressure that is exerted to push the connecting plate against the inner side of the undercut shoulders 8, away from the glass panels.

Since neither *Ward* nor *Perry* shows, describes or even contemplates a structure that performs this function, Applicant believes that the claims of record are patentable over *Ward* and *Perry*. Moreover, the forces created by the structure of the claimed invention are contrary to the teachings of *Ward* and *Perry* in that the structures of *Ward* and *Perry* create forces that are directed towards the glass panels of *Perry* and the wall panels of *Ward*. The structure of the present invention, as claimed, creates forces that are in the exact opposite direction.

Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendment and remarks, Applicant believes that the claims of record are in condition for allowance and respectfully requests an early indication of same.

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Signature

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